

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

Remarks

The Office Action mailed November 15, 2004 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 16-18, 20-22, 24, 26-37, 53-64, 66-88, 95, and 96 are now pending in this application. Claims 16-18, 20-22, 24, 26-37, 53-64, 66-72, 95, and 96 are rejected. Claims 38-52 and 89-94 are canceled without prejudice, waiver, or disclaimer. Claims 1-15, 19, 20, 23, 25, 65, and 76 have been cancelled. No new matter has been added.

Applicants wish to express their appreciation for the courtesies extended to Attorney Thomas Fisher during a telephone interview on October 18, 2004. The finality of the October 12, 2004 Office was discussed. Attorney Fisher noted that both the boxes corresponding to final and non-final were marked. Examiner Ciric noted that this was an inadvertent typographical error and the October 12, 2004 Office Action was a non-final Office Action. As a result, Examiner Ciric issued a corrective office action dated November 15, 2004 restarting the period of reply to three (3) months from the date of the corrective office action.

In accordance with 37 C.F.R. 1.136(a), a one-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated November 15, 2004 for the above-identified patent application from February 15, 2005 through and including March 15, 2005. In accordance with 37 C.F.R. 1.17(a)(1), authorization to charge a deposit account in the amount of \$110.00 to cover this extension of time request also is submitted herewith.

Applicants acknowledge that the restriction requirement has been made final, and Applicants have cancelled Claims 38-52 and 89-94, which were withdrawn from prosecution as a result of the restriction requirement.

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

The rejection of Claims 16-18, 20-22, 24, 26-37, 53-64, 66-88, 95, and 96 under 35 U.S.C. § 112 is respectfully traversed.

Claim 16 has been amended to recite “an air supply from the second compartment, wherein the second compartment comprises a freezer compartment” and is submitted to be definite, thus all claims depending therefrom are also submitted to be definite.

Claim 26 has been amended to recite “said adapter configured to apportion a percentage of the air flow to said air handler supply airflow path” and is submitted to be definite.

Applicants respectfully submit that Claims 31 and 64 are clear to which structure is encompassed by the limitation, specifically Claims 31 and 64 recite “said rack comprises a chill side and a thaw side.” For example, Figure 22 illustrates a rack including a chill side and a thaw side. The rack is further described in detail, for example, at page 19, lines 12-20, in the specification which describes the rack 520 including a first side 526 and a second side 532. Claims 31 and 64 are submitted to be definite, thus all claims depending therefrom are also submitted to be definite.

Claim 53 has been amended to recite “in a refrigerator” and is submitted to be definite.

Claim 73 has been amended to recite “a quick chill and thaw system in a refrigerator including a first compartment” and is submitted to be definite.

Claim 96 has been amended to recite “in a refrigerator” and is submitted to be definite.

For the reasons set forth above, Applicants respectfully request that the Section 112 rejections of Claims 16-18, 20-22, 24, 26-37, 53-64, 66-88, 95, and 96 be withdrawn.

The rejection of Claims 16-18, 21, 22, 24, 26-37, 53-61, 63, 64, 66-75, 77-88, 95, and 96 under 35 U.S.C. § 102(b) as being anticipated by Peterson et al. (U.S. Patent No. 5,758,512) is respectfully traversed.

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

Peterson et al. describe a refrigerator (20) having a freezer compartment (26), a fresh food compartment (28), and a freezer compartment (34). The third compartment may be used as a deep freeze compartment. An automatic baffle assembly (96) is positioned within a fan plenum (100) and includes a main damper (102) and a slide damper (104). Air can be directed to compartment (26) by rotating the slide damper or to compartment (34) by rotating the main damper. Peterson et al. also describe a defrost heater (82) for periodically defrosting an evaporator (44) as described in Janke et al. (U.S. Patent No. 5,363,667) (at column 6, lines 20-22). Notably Peterson et al. do not describe or suggest a pan positioned within a fresh food compartment and a heater element positioned such that air entering the pan is at a temperature greater than a temperature of the fresh food compartment.

Claim 20 was indicated as allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 including all of the limitations of the base claim and any intervening claims. Claim 20 has been canceled and Claim 16 has been amended to include the recitations from Claim 20. Accordingly, Claim 16 is submitted to be patentable over Peterson et al.

Claims 17, 18, 21, 22, 24, 26-37, and 95 depend from independent Claim 16. When the recitations of Claims 17, 18, 21, 22, 24, 26-37, and 95 are considered in combination with the recitations of Claim 16, Applicants submit that dependent Claims 17, 18, 21, 22, 24, 26-37, and 95 are likewise patentable over Peterson et al.

Claim 53 recites a quick chill and thaw system for a refrigerator including a fresh food compartment including "a pan positioned within the fresh food compartment, wherein the fresh food compartment is at a first temperature. ...an air handler in flow communication with said pan...a heater element positioned such that air entering said pan is at a temperature greater than the first temperature."

Peterson et al. do not describe or suggest a quick chill and thaw system as recited in claim 53. Specifically, Peterson et al. do not describe or suggest a heater positioned such that air

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

entering the pan is at a temperature greater than the first temperature. Rather, in contrast to the present invention, Peterson et al. describe a baffle assembly for redirecting refrigerated air into a second freezer compartment. Accordingly, for at least the reasons set forth above, Claim 53 is submitted to be patentable over Peterson et al.

Claims 54-61 depend from independent Claim 53. When the recitations of Claims 54-61 are considered in combination with the recitations of Claim 53, Applicants submit that dependent Claims 54-61 are likewise patentable over Peterson et al.

Claim 64 recites a quick chill and thaw system for a refrigerator including "a pan...an air handler adapted for producing convective airflow within said pan...and a rack inside said pan for positioning items placed therein, wherein said rack comprises a chill side and a thaw side."

Peterson et al. do not describe nor suggest a quick chill and thaw system as recited in Claim 64. Specifically, Peterson et al. do not describe a rack that includes a chill side and a thaw side. Rather, in contrast to the present invention, Peterson et al. describe a compartment convertible between a freezer and refrigerator. Accordingly, for at least the reasons set forth above, Claim 64 is submitted to be patentable over Peterson et al.

Claims 66-72 depend directly or indirectly from independent Claim 64. When the recitations of Claims 66-72 are considered in combination with the recitations of Claim 64, Applicants submit that dependent Claims 66-72 are likewise patentable over Peterson et al.

Claim 76 was indicated as allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 including all of the limitations of the base claim and any intervening claims. Claim 76 has been canceled and Claim 73 has been amended to include the recitations from Claim 76. Accordingly, Claim 73 is submitted to be patentable over Peterson et al.

Claims 74, 75, and 77-79 depend directly or indirectly from independent Claim 73. When the recitations of Claims 74, 75, and 77-79 are considered in combination with the

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

recitations of Claim 73, Applicants submit that dependent Claims 74, 75, and 77-79 are likewise patentable over Peterson et al.

Claim 80 recites a quick chill and thaw system for a refrigerator including a food storage compartment, wherein the quick chill and thaw system includes "a pan...and an air handler in flow communication with the pan, the air handler includes a heater element and is configured for maintaining a substantially constant temperature within the pan in a thawing operation."

Peterson et al. do not describe nor suggest a quick chill and thaw system as recited in Claim 80. Specifically, Peterson et al. do not describe an air handler that includes a heater element and is configured for maintaining a substantially constant temperature within the pan in a thawing operation. Rather, in contrast to the present invention, Peterson et al. describe a compartment convertible between a freezer and refrigerator. Accordingly, for at least the reasons set forth above, Claim 80 is submitted to be patentable over Peterson et al.

Claims 81-85 depend directly or indirectly from independent Claim 80. When the recitations of Claims 81-85 are considered in combination with the recitations of Claim 80, Applicants submit that dependent Claims 81-85 are likewise patentable over Peterson et al.

Claim 86 recites "a quick chill and thaw system for a refrigerator including a fresh food compartment, the quick chill and thaw system includes a pan and an air handler in flow communication with the pan, the air handler includes a flow path including a supply path and a return path, and a heater element located in the airflow path."

Peterson et al. do not describe nor suggest a quick chill and thaw system as recited in Claim 86. Specifically, Peterson et al. do not describe a rack that includes a chill side and a thaw side. Rather, in contrast to the present invention, Peterson et al. describe a compartment convertible between a freezer and refrigerator. Accordingly, for at least the reasons set forth above, Claim 86 is submitted to be patentable over Peterson et al.

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

Claims 87 and 88 depend directly or indirectly from independent Claim 86. When the recitations of Claims 87 and 88 are considered in combination with the recitations of Claim 86, Applicants submit that dependent Claims 87 and 88 are likewise patentable over Peterson et al.

Claim 96 recites a quick chill and thaw system for a refrigerator including a fresh food compartment, wherein the quick chill and thaw system includes "a pan positioned within the fresh food compartment, wherein the fresh food compartment is at a first temperature...an evaporator in flow communication with said pan...and a heater element positioned such that air entering said pan is at a temperature greater than the first temperature."

Peterson et al. do not describe nor suggest a quick chill and thaw system as recited in Claim 96. Specifically, Peterson et al. do not describe a rack that includes a chill side and a thaw side. Rather, in contrast to the present invention, Peterson et al. describe a heater element positioned such that air entering said pan is at a temperature greater than the first temperature. Accordingly, for at least the reasons set forth above, Claim 96 is submitted to be patentable over Peterson et al.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejections of Claims 16-18, 21, 22, 24, 26-37, 53-61, 63, 64, 66-75, 77-88, 95, and 96 be withdrawn.

The rejection of Claims 53, 54, 58, and 60-63 under 35 U.S.C. § 102(b) as being anticipated by O'Hearne (U.S. Patent No. 5,069,273) is respectfully traversed.

O'Hearne describes a food server (20) for simultaneously cold storing foods to be served hot and foods to be served cold, and for heating the food to be served hot while keeping cold the foods to served cold. The server includes a cabinet (22) having adjacent first and second insulated compartments (24 and 26). The server also includes a first and second refrigeration system (28 and 32) for cooling the first and second compartments and a heating system (52) for

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

heating the first compartment. The server also includes a control mechanism (214) for selectively activating and deactivating the refrigeration and heating systems. A first fan (54) forces air through the first compartment and a second fan (96) forces air through the second compartment, respectively. The first compartment includes a plurality of shelves (70) that are slidable along a plurality of guides (72).

Claim 53 recites a quick chill and thaw system for a refrigerator including a fresh food compartment including "a pan positioned within the fresh food compartment, wherein the fresh food compartment is at a first temperature...and an air handler in flow communication with said pan, said air handler including a heater element and configured for discharging air into said pan at a temperature greater than the first temperature."

O'Hearne does not describe nor suggest a quick chill and thaw system as recited in Claim 53. Specifically, O'Hearne does not describe an air handler in flow communication with said pan, wherein the air handler includes a heater element and configured for discharging air into the pan at a temperature greater than a first temperature. Rather, in contrast to the present invention, O'Hearne describes a server including a first and second refrigeration system for cooling the first and second compartments and a heating system for heating the first compartment. Accordingly, for at least the reasons set forth above, Claim 53 is submitted to be patentable over O'Hearne.

Claims 54, 58, and 60-63 depend from independent Claim 53. When the recitations of Claims 54, 58, and 60-63 are considered in combination with the recitations of Claim 53, Applicants submit that dependent Claims 54, 58, and 60-63 are likewise patentable over O'Hearne.

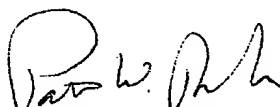
For the reasons set forth above, Applicants respectfully request that the Section 102 rejections of Claims 53, 54, 58, and 60-63 be withdrawn.

Via Facsimile: (703) 872-9306

9D-HR-19236
PATENT

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



Patrick W. Rasche
Registration No. 37,916
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070